

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

By this Amendment, claims 1-5, and 10-14 have been amended to provide a clearer presentation of the claimed subject matter. Applicant submits that no new matter has been introduced. As such, claims 1-5, and 10-14 are presented for examination of which claims 1 and 10 are independent.

INFORMATION DISCLOSURE STATEMENT

Applicant thanks the Examiner for considering the references cited in the Information Disclosure Statements filed on November 20, 2003 and August 4, 2006, as evidenced by the signed and initialed copies of the PTO-1449 Forms returned with the Office Action.

PRIOR ART REJECTIONS

In the Office Action dated August 22, 2007, the Examiner rejected claims 1-5, and 10-14, under 35 U.S.C. §103(a), as allegedly being unpatentable over Matsuo (U.S. Patent No.7,123,754) in view of Tatsumi (U.S. Patent No. 6,172,706).

Applicant respectfully traverses the prior art rejections, under 35 U.S.C. §103(a), for the reasons presented below.

As indicated above, independent claim 1 positively recites, *inter alia*, an aptitude judging unit to *judge whether the plurality of certifying data acquired by the data acquisition unit are appropriate for the preparation of a certifying dictionary based on the change in the feature points* calculated by the change calculation unit, the plurality of certifying data being *judged inappropriate if the change in feature points is above and/or below at least one threshold value*; a dictionary preparing unit to prepare a certifying dictionary *with one or more certifying data of the plurality of certifying data that are judged to be appropriate by the aptitude judging unit*; and a certifying unit to *certify whether a recognized individual is a proper person* using the certifying data acquired by the

data acquisition unit and the one or more certifying data in the dictionary stored in the dictionary storing unit.

With this said, Applicant respectfully submits that the Matsuo and Tatsumi citations relied upon by the Examiner do little in the way of rendering Applicant's claims obvious.

Various embodiments of Applicant's invention relate to recognizing individuals wherein an individual may be recognized to certify whether the individual is a proper person by using biological information (for example, face image, finger print, retina image, palm figure, etc.) as certifying data. In contrast, neither Matsuo nor Tatsumi, are concerned with recognizing individuals. In fact, Matsuo merely discusses identification between a facial image and a non-facial image wherein a partial image may be analyzed to identify whether or not the image contains a facial image. Also, Tatsumi merely discusses a system for adjusting the zoom lens of a video camera based on a distance between user's eyes.

Moreover, the Examiner alleges that column 7, line 55 - column 8, line 16 of Matsuo discloses a judging unit that has an evaluation function to judge if the data is appropriate. Applicant disagrees. Matsuo's face/non-face identification unit 9 judges that the subject image contains a facial image if the value of an evaluation function value is positive and judges that the subject image does not contain a facial image if the value of an evaluation function value is negative. Thus, it is clear that Matsuo merely discloses determining whether a subject image contains a facial image or not. There is no mention, however, of judging *whether the plurality of certifying data acquired by the data acquisition unit are appropriate for the preparation of a certifying dictionary*, much less performing the judging *based on the change in the feature points* calculated by the change calculation unit, as required by Applicant's claim 1. Furthermore, the positive and negative values of an evaluation function value (in Matsuo) are not that same as Applicant's *at least one threshold value*, wherein the at least one threshold value is utilized to judge if plurality of certifying data are inappropriate. Thus, Matsuo also fails to teach or suggest, *plurality of certifying data being judged inappropriate if the change in feature points is above and/or below at least one threshold value*, as required by Applicant's claim 1.

The Examiner, further alleges that column 9, lines 55-60 of Matsuo discloses preparing a dictionary. However, Matsuo discloses the preparation of a face pose dictionary which merely contains a plurality of pre-defined face poses. There is no mention of preparing

a certifying dictionary *with one or more certifying data that are judged to be appropriate by the aptitude judging unit*, as required by Applicant's claim 1.

The Examiner, alleges that column 7, line 61 – column 8, line 2 of Matsuo discloses evaluating the data. However, as mentioned above, the evaluation, in Matsuo, is merely to identify whether a subject image contains a facial image or not. There is no mention a certifying unit to *certify whether a recognized individual is a proper person using the certifying data acquired by the data acquisition unit and the one or more certifying data in the dictionary* stored in the dictionary storing unit, also as required by Applicant's claim 1.

Furthermore, the remaining reference, Tatsumi, is incapable of curing the deficiencies of Matsuo identified above. Thus, for at least these reasons, Applicant submits that none of the asserted references, whether taken alone or in reasonable combination, teach or suggest the claimed combination of elements recited by amended claim 1. As such, claim 1 is clearly patentable. And, because claims 2-5 depend from claim 1, either directly or indirectly, claims 2-5 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, the immediate withdrawal of the prior art rejections of claims 1-5 is respectfully requested.

Applicant further submits that because independent claim 10 recites similar patentable features as claim 1, claim 10 is also patentable for the same reasons given relative to claim 1. And, because claims 11-14 depend from claim 10, claims 11-14 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, immediate withdrawal of the prior art rejections of claims 10-14 is respectfully requested.

CONCLUSION

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

**PILLSBURY WINTHROP
SHAW PITTMAN LLP**



E. R. HERNANDEZ
Reg. No. 47641
Tel. No. 703.770.7788
Fax No. 703.770.7901

Date: November 21, 2007
P.O. Box 10500
McLean, VA 22102
(703) 770-7900